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Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. CYPR 100 CIP DIV
First Inventor Jay D. Kranzler
Title Methods of Treating Fibromyalgia Syndrome,
Chronic Fatigue Syndrome and Pain
Express Mail Label No. EL 717 747 887 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 26]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets]
5. Oath or Declaration [Total Pages 3]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Page:s (cover sheet & document(s))
10. ☒ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Items 9 & 10 are copies from Serial No. 10/028,547

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No. 10,028,547

Prior application information:

Examiner: Rebecca Cook

Group Art Unit: 1614

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label (Insert Customer No. or Attach to form) or ☐ Correspondence address below

Name Patrea L. Pabst
Holland & Knight LLP PATENT TRADEMARK OFFICE
Address 2000 One Atlantic Center
1201 West Peachtree Street
City Atlanta State GA Zip Code 30309-3400
Country United States Telephone 404-817-8473 Fax 404-817-8588

Name (Print/Type) Patrea L. Pabst, Esq. Registration No. (Attorney/Agent) 31,284
Signature Date July 18, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231. CYPR 100 CIP DIV - 088938/00023

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 375.00

Complete if Known

Application Number	Divisional of 10/028,547
Filing Date	July 18, 2003
First Named Inventor	Jay D. Kranzler
Examiner Name	
Art Unit	
Attorney Docket No.	CYPR 100 CIP DIV

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 50-1868
Deposit Account Name: Holland & Knight LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1001	750	Utility filing fee	375.00
		1002	330	Design filing fee	
		1003	520	Plant filing fee	
		1004	750	Reissue filing fee	
		1005	160	Provisional filing fee	
SUBTOTAL (1)					(\$ 375.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
9	-20	0	0.00
1	-3**	0	0.00
Multiple Dependent		0	0.00

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description
		1202	18	Claims in excess of 20
		1201	84	Independent claims in excess of 3
		1203	280	Multiple dependent claim, if not paid
		1204	84	** Reissue independent claims over original patent
		1205	18	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1051	130	2051 65 Surcharge - late filing fee or oath	
		1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet	
		1053	130	1053 130 Non-English specification	
		1812	2,520	1812 2,520 For filing a request for ex parte reexamination	
		1804	920*	1804 920* Requesting publication of SIR prior to Examiner action	
		1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner action	
		1251	110	2251 55 Extension for reply within first month	
		1252	410	2252 205 Extension for reply within second month	
		1253	930	2253 465 Extension for reply within third month	
		1254	1,450	2254 725 Extension for reply within fourth month	
		1255	1,970	2255 985 Extension for reply within fifth month	
		1401	320	2401 160 Notice of Appeal	
		1402	320	2402 160 Filing a brief in support of an appeal	
		1403	280	2403 140 Request for oral hearing	
		1451	1,510	1451 1,510 Petition to institute a public use proceeding	
		1452	110	2452 55 Petition to revive - unavoidable	
		1453	1,300	2453 650 Petition to revive - unintentional	
		1501	1,300	2501 650 Utility issue fee (or reissue)	
		1502	470	2502 235 Design issue fee	
		1503	630	2503 315 Plant issue fee	
		1460	130	1460 130 Petitions to the Commissioner	
		1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	
		1806	180	1806 180 Submission of Information Disclosure Stmt	
		8021	40	8021 40 Recording each patent assignment per property (times number of properties)	
		1809	750	2809 375 Filing a submission after final rejection (37 CFR 1.129(a))	
		1810	750	2810 375 For each additional invention to be examined (37 CFR 1.129(b))	
		1801	750	2801 375 Request for Continued Examination (RCE)	
		1802	900	1802 900 Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00

SUBMITTED BY

Name (Print/Type)	Patrea L. Pabst, Esq.	Registration No. (Attorney/Agent)	31,284	Telephone (404) 817-8473
Signature		Date	July 18, 2003	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

CYPR 100 CIP DIV - 088938/00023

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jay D. Kranzler and Srinivas G. Rao

Serial No.: Divisional of 10/028,547

Express Mail Label
No. EL 717 747 887 US

Filed: July 18, 2003

Date of Deposit: July 18, 2003

For: *METHODS OF TREATING FIBROMYALGIA SYNDROME, CHRONIC
FATIGUE SYNDROME AND PAIN*

MAIL STOP PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR FILING A DIVISIONAL APPLICATION
UNDER 37 C.F.R. § 1.53(b)**

Sir:

Pursuant to 35 U.S.C. § 21(a), as amended by Public Law 97-247, and 37 C.F.R. §§ 1.10 and 1.53(b), applicants enclose for filing the attached new patent application entitled "*Methods of Treating Fibromyalgia Syndrome, Chronic Fatigue Syndrome and Pain*". This application is a divisional of pending prior application Serial No. 10/028,547 filed December 19, 2001, entitled "*Methods of Treating Fibromyalgia Syndrome, Chronic Fatigue Syndrome and Pain*", by Jay D. Kranzler and Srinivas G. Rao, which is a continuation-in-part of Serial No. 10/014,149 filed November 5, 2001. The application includes 1 page of abstract, 22 pages of specification, 3 pages of claims, and a copy of the executed Declaration for Patent Application from prior application Serial No. 10/028,547.

Divisional of U.S.S.N. 10/028,547
Filed: July 18, 2003
**REQUEST FOR FILING A DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)**
Express Mail Label No.: EL 717 747 887 US
Date of Deposit: July 18, 2003

Pursuant to 37 C.F.R. § 1.63(d), the copy of the executed Declaration for Patent Application included in the new application is a copy of the executed Declaration filed in parent application Serial No. 10/028,547, to which the new application claims benefit.

The inventorship for the claims in the new application is the same as in parent application Serial No. 10/028,547.

Enclosed are a Preliminary Amendment and an Information Disclosure Statement. Please amend the application in accordance with the Preliminary Amendment.

Enclosed from prior application Serial No. 10/028,547 are copies of the (a) Power of Attorney by Assignee of Entire Interest and Revocation of Prior Powers; (b) Statement Under 37 CFR §3.73(b); and (c) Assignment of rights from Jay D. Kranzler and Srinivas G. Rao to Cypress Bioscience, Inc.

Also enclosed are an (a) Application Data Sheet; (b) Utility Patent Application Transmittal; and (c) Fee Transmittal (in duplicate).

This application is entitled to claim small entity status pursuant to 37 C.F.R. § 1.27.

Enclosed is a check in the amount of \$375.00 to cover the filing fee for a small entity. It is believed that this is the proper filing fee since the application includes 1 independent claim and a total of 9 claims upon entry of the enclosed Preliminary Amendment.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1868. To facilitate this process, applicants enclose a duplicate of this transmittal.

Divisional of U.S.S.N. 10/028,547
Filed: July 18, 2003
**REQUEST FOR FILING A DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)**
Express Mail Label No.: EL 717 747 887 US
Date of Deposit: July 18, 2003


The power of attorney in the prior application is to Patrea L. Pabst.

All correspondence concerning this application should be mailed to:

Customer No. 23579
Patrea L. Pabst, Esq.
HOLLAND & KNIGHT LLP
2000 One Atlantic Center
1201 West Peachtree Street, N.E.
Atlanta, GA 30309-3400

This application is being filed on July 18, 2003, by mailing the application to
MAIL STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria,
VA 22313-1450 via the United States Postal Service "Express Mail Post Office to Addressee"
Service under 37 C.F.R. § 1.10. The Express Mail Label number appears in the heading of this
paper which is attached to the application papers pursuant to 37 C.F.R. § 1.10(b).

Respectfully submitted,



Patrea L. Pabst
Reg. No. 31,284

Date: July 18, 2003

HOLLAND & KNIGHT LLP
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Divisional of U.S.S.N. 10/028,547
Filed: July 18, 2003
**REQUEST FOR FILING A DIVISIONAL
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Express Mail Label No.: EL 717 747 887 US
Date of Deposit: July 18, 2003

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this paper and any documents referred to as attached or enclosed are being deposited with the United States Postal Service on this date, July 18, 2003, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Express Mail Label No. EL 717 747 887 US, addressed to MAIL STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Pam Turnbough

Date: July 18, 2003

ATL1 #585655 v1